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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,518	03/10/2006	Steven Kenessey	WALS-106	2959
23290 7590 02/04/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER NGUYEN, HOANG M	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/565,518

Applicant(s)

KENESSEY, STEVEN

Examiner

Hoang M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-53 and 74-82 is/are rejected.
- 7) ☒ Claim(s) 54-73 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/23/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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The specification is objected to because there is no brief description of the drawings section.

Claim 69 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "such as" is vague and indefinite and should not be used in claim language.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-50, 74-76, 79-82, are rejected under 35 U.S.C. 102(b) as being anticipated by US 4935639 (Yeh).

Yeh discloses a power tower using solar and wind energy to generate electricity comprising a stack having a base with inlet 4, an outlet on top of the stack, a stream of air 4 and electric generator 24 at the bottom.

Regarding claim 30, note the spiral airflow 3.

Regarding claims 31-33, 75, 79-80, please note figures 3, 5, wherein many inlets 4 are formed, the interior structures of the stack including plates 14, 16, 13, 17, forming the spiral passages for directing the airflow, said structures can be called helix sections.

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Regarding claims 34-37, 76, 81-82, note the steam valve 16.

Regarding claims 38-43, note the air inlets 4 are at the bottom, and the airflow 3 is spirally moving to top.

Regarding claims 44-50, 74, note column 4, lines 14-33, the compressor 111 of an air conditioner is used to compress air into the bottom of the tower.

Claims 29-31, 74-75, are rejected under 35 U.S.C. 102(b) as being anticipated by US 4452046 (Valentin).

Valentin discloses a power tower using solar and wind energy to generate electricity comprising a stack having a base with inlet at the bottom, an outlet on top of the stack, a stream of air 6, 11, and electric generator 52 at the bottom.

Regarding claim 30, note the spiral airflow in figure 6.

Regarding claims 31, 75, please note figures 4-5, wherein many inlets are formed, the interior structures of the stack forming the spiral passages for directing the airflow, said structures can be called helix sections.

Claims 29-31, are rejected under 35 U.S.C. 102(b) as being anticipated by US 6016015 (Willard, Jr.).

Willard, Jr. discloses a power tower 10 using solar and wind energy to generate electricity comprising a stack having a base with inlet at the bottom, an outlet on top of the stack, a stream of air and an electric generator 46.

Regarding claim 30, note the spiral airflow in figure 2.

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Regarding claim 31, note the helix section 22.

Claims 29-33, 74-75, 79-82 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5394016 (Hickey).

Hickey discloses a power tower using solar and wind energy to generate electricity comprising a stack having a base with inlet at the bottom, an outlet on top of the stack, a stream of air and electric generator 180 at the bottom, a central controller 44 is used to collect and control energy to store in the building and to provide power to power distribution unit 52.

Regarding claim 30, note the spiral airflow in figure 11.

Regarding claims 31-33, 75, 79-82, please note figure 11 and column 2, lines 28-68, to column 3, lines 1-33, Hickey teaches many solar/wind generators can be formed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-53, 77-78, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4935639 (Yeh) in view of U.S. 5394016 (Hickey). Yeh discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a computer control and a building for collecting energy. Hickey discloses a power tower using solar and wind energy to generate electricity comprising a stack

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having a base with inlet at the bottom, an outlet on top of the stack, a stream of air and electric generator 180 at the bottom, a central controller 44 is used to collect and control energy to store in the building and to provide power to power distribution unit 52. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to set up the tower of Yeh next to the building with computer control as taught by Hickey for the purpose of using said electricity inside said building.

Claims 54-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dunn and Sullivan disclose energy tower having spiral airflow.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  


HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
2/2/2008